

DECLARATION AND POWER OF ATTORNEY

We, the below named inventors, hereby declare that:

Our residences, post office addresses, and citizenships are as stated below next to our respective names.

We believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD OF FABRICATING CMOS INVERTER AND INTEGRATED CIRCUITS UTILIZING STRAINED SILICON SURFACE CHANNEL MOSFETS**, the specification of which was filed with the United States Patent and Trademark Office on June 19, 2001, as Serial No. 09/884,172. This application claims priority under 35 U.S.C §119 (e) from United States Provisional Patent Application Serial No. 60/250,985, filed December 4, 2000.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

We acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

We hereby declare that all statements are made hereby of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And we hereby appoint:

| | |
|-------------------------|-------------------|
| Maurice E. Gauthier | - Reg. No. 20,798 |
| I. Stephen Samuels | - Reg. No. 20,919 |
| Richard L. Stevens | - Reg. No. 24,445 |
| Matthew E. Connors | - Reg. No. 33,298 |
| William E. Hilton | - Reg. No. 35,192 |
| Patrick J. O'Shea | - Reg. No. 35,305 |
| Arlene J. Powers | - Reg. No. 35,985 |
| Richard L. Stevens, Jr. | - Reg. No. 44,357 |

all of the firm of Samuels, Gauthier & Stevens, our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Letters Patent, to said

AmberWave Systems Corporation

its successors and assigns, to its and their own use and behoof to the full end of the term or terms for which the said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by us had this assignment and sale not been made.

AND we hereby authorize and request the Commissioner of Patents of the United States and the appropriate officers of all foreign patent offices to issue any and all Letters Patent which may be granted on the said application or applications above referred to, or for the said invention, or any of them, to the said Assignee in accordance with the terms of this instrument.

AND we hereby agree to execute and sign without further consideration any other legal document and any other assignments and any divisional, continuing, renewal, reissue or other application in and for all patents that may be appropriate and may be deemed necessary by the Assignee fully to secure to said Assignee its interests as aforesaid in and to the said invention or any part thereof and in and to the said patents or any of them.

AND we further covenant and agree that we will at any time upon request communicate to the said Assignee, its successors, assigns or other legal representatives, any facts known to us relating to the said invention and any patent that may be granted thereon, and will testify as to the same in any interference or litigation when requested to do so.

AND we hereby covenant for ourselves and our legal representatives that we have not hitherto assigned or granted any license to make, use or sell said invention, and that we will not henceforth purport to assign, license or execute any instrument to that effect in conflict with this assignment.

9/17/01
Date

Eugene A. Fitzgerald
Eugene A. Fitzgerald

9-15-01
Date

Nicole Gerrish
Nicole Gerrish

PATENT
Attorney Docket No. ASC-044

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Fitzgerald and Gerrish

SERIAL NUMBER: 09/884,172

ART UNIT: 2811

FILING DATE: June 19, 2001

EXAMINER: Not yet assigned

TITLE: Method of Fabricating CMOS Inverter And Integrated Circuits
Utilizing Strained Silicon Surface Channel MOSFETs

Commissioner for Patents
Washington, D.C. 20231

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
REVOCAION OF PRIOR POWERS AND NEW POWER OF ATTORNEY

As assignee of record of the entire interest of the above-identified application, all powers of attorney previously given are hereby revoked, and the following attorneys and/or agents are hereby appointed to prosecute and transact all business in the U.S. Patent and Trademark Office connected therewith.

| | | | |
|-------------------------|-------------------|-----------------------|-------------------|
| Michael J. Bastian | Reg. No. 47,411 | John D. Lanza | Reg. No. 40,060 |
| Steven M. Bauer | Reg. No. 31,481 | Kurt W. Lockwood | Reg. No. 40,704 |
| Mark L. Beloborodov | Reg. No. 50,773 | Bradley M. Marazas | Reg. No. P-51,997 |
| John V. Bianco | Reg. No. 36,748 | Leigh J. Martinson | Reg. No. 50,749 |
| Robert S. Blasi | Reg. No. 50,389 | Thomas C. Meyers | Reg. No. 36,989 |
| Michael H. Brodowski | Reg. No. 41,640 | Joseph B. Milstein | Reg. No. 42,897 |
| Jennifer A. Camacho | Reg. No. 43,526 | Ronda P. Moore | Reg. No. 44,244 |
| Joseph A. Capraro, Jr. | Reg. No. 36,471 | Jeremy Occek | Reg. No. 50,794 |
| Fangli Chen | Reg. No. P-51,551 | Edmund R. Pitcher | Reg. No. 27,829 |
| Christopher H. Chung | Reg. No. 50,351 | Jamie H. Rose | Reg. No. 45,054 |
| John J. Cotter | Reg. No. 38,116 | David L. Schuler | Reg. No. 51,190 |
| Robert V. Donahoe | Reg. No. 46,667 | Christopher W. Stamos | Reg. No. 35,370 |
| Brian A. Fairchild | Reg. No. 48,645 | Diana M. Steel | Reg. No. 43,153 |
| John V. Forcier | Reg. No. 42,545 | Joseph P. Sullivan | Reg. No. 45,349 |
| Steven J. Frank | Reg. No. 33,497 | Robert J. Tosti | Reg. No. 35,393 |
| Kia L. Freeman | Reg. No. 47,577 | Thomas A. Turano | Reg. No. 35,722 |
| Christopher J. Frerking | Reg. No. 42,557 | Natasha C. Us | Reg. No. 44,381 |
| Brian M. Gaff | Reg. No. 44,691 | Christine C. Vito | Reg. No. 39,061 |
| Duncan A. Greenhalgh | Reg. No. 38,678 | Patrick R.H. Waller | Reg. No. 41,418 |
| Ira Heffan | Reg. No. 41,059 | Daniel A. Wilson | Reg. No. 45,508 |
| Danielle L. Herritt | Reg. No. 43,670 | Gerald E. Worth | Reg. No. 45,238 |
| Douglas J. Kline | Reg. No. 35,574 | Yin P. Zhang | Reg. No. 44,372 |

☐ Attached as part of this power of attorney is the authorization of the above-named attorneys/agents to accept and follow instructions from my representatives.

Assignee also hereby grants additional Powers of Attorney to the attorneys and/or agents named above to file and prosecute foreign national patent applications in any and all countries of the world, a regional patent application under the European Patent Convention and/or an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states.

All future correspondence should be sent to:

**Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110**

Please change the attorney docket number from **Amber.5994B** to **ASC-044**.

The assignee of record of the entire interest of the above-identified application is

***AmberWave Systems Corporation
13 Garabedian Drive
Salem, NH 03079***

☒ Recorded in PTO on October 1, 2001

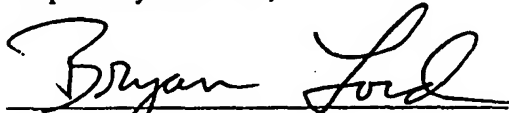
Reel No.: 012245

Frame No.: 0170

☐ Recorded herewith

Dated: 7/23/02

Respectfully submitted,



Bryan P. Lord
Director of Corporate Development and
Legal Affairs
AmberWave Systems Corporation
13 Garabedian Drive
Salem, NH 03079